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6 Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
VICTOR HERNANDEZ PENA, AND  
IGNACIO SATURNINO DIAZ MIGUEL  
Defendants.

CASE NO. 1:21-CR-00090-JLT

**STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; FINDINGS AND ORDER**

## **STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on November 21, 2023.

2. By this stipulation, the parties now move to continue the trial until April 9, 2024, and to exclude time between November 21, 2023, and April 9, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes reports, laboratory reports, wiretap data, and other related items. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Plea agreements have been extended by the government, and the parties are in

1 discussions about potential resolutions.

2           c)     Counsel for defendant desires additional time to consult with his/her client, to  
3 review the current charges, to conduct investigation related to the charges, to review and copy  
4 discovery, to discuss potential resolutions with his/her client, and to otherwise prepare for trial.

5           d)     Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8           e)     Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11          f)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of November 21, 2023 to April 9,  
13 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17          4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20           IT IS SO STIPULATED.

21  
22          Dated: October 30, 2023

PHILLIP A. TALBERT  
United States Attorney

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25           /s/ STEPHANIE M. STOKMAN  
26           STEPHANIE M. STOKMAN  
27           Assistant United States Attorney  
28

1 Dated: October 30, 2023

/s/ NICHOLAS REYES

2 NICHOLAS REYES

Counsel for Defendant

3 VICTOR HERNANDEZ PENA

4 Dated: October 30, 2023

/s/ REED GRANTHAM

5 REED GRANTHAM

Counsel for Defendant

6 IGNACIO SATURNINO DIAZ

MIGUEL

10 **FINDINGS AND ORDER**

11 IT IS SO FOUND.

12 IT IS SO ORDERED.

13 Dated: October 31, 2023

  
14 UNITED STATES DISTRICT JUDGE